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EXAMINER

CHEN, CHONGSHAN

ART UNIT PAPER NUMBER

2162

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,048

Applicant(s)

SZABO, ANDREW

Examiner

Chongshan Chen

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. Claims 1-31 are pending in this Office Action.

Specification

2. The disclosure is objected to because of the following informalities: the disclosure contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. Appropriate correction is required.

Information Disclosure Statement

3. The information of some of the cited documents is improper. Applicant must provide all the necessary information for every cited document such as, author, title, date, publisher, edition or volume, and pertinent pages. Correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities: “an’ (line 6) should be changed to –a--. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Art Unit: 2162

6. Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106 IV. B.2. (b)

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. *Schrader*, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

Claims 1-26, in view of the above cited MPEP section, are not statutory because they merely recite a number of computing steps without producing any tangible result and/or being limited to a practical application within the technological arts. The use of a computer has not been indicated.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-6, 10-13, 15-25 and 29-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 2 recites the limitation "the step of inserting objects" in line 1 of claim 1. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2162

10. Claim 3 recites the limitation "the extrinsic objects" in line 1 of claim 3. There is insufficient antecedent basis for this limitation in the claim. Corrections are required for other lack of antecedent basis problems.

Double Patenting

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

12. Claims 1-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. US 6,868,525 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because following reasons:

Claim 1 of the instant application substantially recites the limitations of claim 1 of US Patent 6,868,525 B1. The claim merely omits certain the underlined limitations and replaces the bolded limitations as shown in the comparison table 1 below.

Instant Application Claim 1	US Patent 6,868,525 B1 Claim 1
1. A method of providing a human-computer user interface, comprising the steps of: (a) providing the user with navigational	1. A method of providing a human-computer user interface, comprising the steps of: (a) <u>receiving an input through a user</u>

<p>tools for defining and retrieving objects based on a resource locator thereof;</p> <p>(b) providing an object search engine for selecting a set of objects according to a user-defined content criteria and returning respective resource locators of selected objects; and</p> <p>(c) providing an hierarchal organizational structure in graphic format for the set of objects, wherein the hierarchal organizational structure is automatically generated based on a content of or linkage between objects.</p>	<p><u>interface providing the user with navigational tools for defining and retrieving objects based on a resource locator thereof;</u></p> <p><u>(b) providing an object search engine for selecting a set of objects according to a user-defined content criteria from a larger set of objects including objects of varying relevance to the user-defined content criteria accessed through the user interface and returning respective resource locators of selected objects, the object search engine employing at least first and second algorithms for selecting respectively different portions of the set of objects;</u></p> <p><u>(c) providing a hierarchal organizational structure for the set of selected respective resource locators of selected objects, having at least two resource locators for objects organized within a single hierarchal level, for presentation to the user through the user interface, wherein resource locators for objects selected according to the first algorithm are automatically organized within the hierarchal organizational structure based on an associated object content, and resource locators for objects selected according to the second algorithm are automatically organized within the hierarchal organizational structure based on at least one criterion independent of an associated object content.</u></p>
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Table 1

It would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the cited steps as indicated claim 1 of the US Patent since the omission and addition of the cited limitations would have not changed the process according to which the method for providing a human-computer user interface. Therefore, the ordinary skill artisan would have been also motivated to modify claim 1 of the cited US patent by

Art Unit: 2162

replacing in graphic format for the set of objects, wherein the hierarchal organizational structure is automatically generated based on a content of or linkage between objects with for the set of selected respective resource locators of selected objects, having at least two resource locators for objects organized within a single hierarchal level, for presentation to the user through the user interface, wherein resource locators for objects selected according to the first algorithm are automatically organized within the hierarchal organizational structure based on an associated object content, and resource locators for objects selected according to the second algorithm are automatically organized within the hierarchal organizational structure based on at least one criterion independent of an associated object content. The cited omitting elements would not interfere with the functionality of the steps previously claimed and would perform the same function. In re Karlson, 136 USPQ 184 (CCPA 1963).

The dependent claims 2-26 of the instant application are rejected for fully incorporating the errors of their respective base claims by dependency.

13. Claims 27-31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 33-37 of U.S. Patent No. US 6,868,525 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because following reasons:

Claim 27 of the instant application substantially recites the limitations of claim 33 of US Patent 6,868,525 B1. The claim merely omits certain the underlined limitations and replaces the bolded limitations as shown in the comparison table 2 below.

Instant Application Claim 27	US Patent 6,868,525 B1 Claim 33
27. A system for providing a human-computer user interface, comprising:	33. A system for providing a human-computer user interface, comprising:

<p>(a) a set of navigational tools for defining an retrieving objects based on a resource locator thereof;</p> <p>(b) an object search engine for selecting a set of objects according to a user-defined content criteria and returning respective resource locators of selected objects; and</p> <p>(c) means for presenting an hierarchal organizational structure in graphic format for the set of objects, wherein the hierarchal organizational structure is automatically generated based on a content of or linkage between objects.</p>	<p>(a) a set of navigational tools for defining and retrieving objects based on a resource locator thereof;</p> <p>(b) an object search engine for selecting a set of objects according to a user-defined content criterion and returning respective resource locators of selected objects, <u>the object search engine employing at least first and second schemes for selecting objects;</u> and</p> <p>(c) means for presenting a hierarchal organizational structure for the set of <u>selected</u> objects, wherein <u>at least one level of the hierarchal organizational structure has at least two objects organized therein, and wherein at least a portion of the selected objects are organized within the hierarchal organizational structure based on an associated content and a respective scheme employed to select that object, the hierarchal organizational structure further including at least one object extrinsic to the selected objects.</u></p>
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Table 2

It would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the cited steps as indicated claim 27 of the US Patent since the omission and addition of the cited limitations would have not changed the process according to which the method for providing a human-computer user interface. Therefore, the ordinary skill artisan would have been also motivated to modify claim 1 of the cited US patent by replacing **wherein the hierarchal organizational structure is automatically generated based on a content of or linkage between objects** with wherein at least one level of the hierarchal organizational structure has at least two objects organized therein, and wherein at least a portion of the selected objects are organized within the hierarchal organizational structure based on an associated content and a respective scheme employed to select that object, the

Art Unit: 2162

hierarchal organizational structure further including at least one object extrinsic to the selected objects. The cited omitting elements would not interfere with the functionality of the steps previously claimed and would perform the same function. In re Karlson, 136 USPQ 184 (CCPA 1963).

The dependent claims 28-31 of the instant application are rejected for fully incorporating the errors of their respective base claims by dependency.

14. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

15. Claims 1-26 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-26 of copending Application No. 11/073,090. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Instant Application claim 1	Application 11/073,090 Claim 1
<p>1. A method of providing a human-computer user interface, comprising the steps of:</p> <ul style="list-style-type: none"> (a) providing the user with navigational tools for defining and retrieving objects based on a resource locator thereof; (b) providing an object search engine for selecting a set of objects according to a user-defined content criteria and returning respective resource locators of selected objects; <p>and</p>	<p>1. A method of providing a human-computer user interface, comprising the steps of:</p> <ul style="list-style-type: none"> (a) providing the user with navigational tools for defining and retrieving objects based on a resource locator thereof; (b) providing an object search engine for selecting a set of objects according to a user-defined content criteria and returning respective resource locators of selected objects; <p>and</p>

(c) providing an hierarchal organizational structure in graphic format for the set of objects, wherein the hierarchal organizational structure is automatically generated based on a content of or linkage between objects.	(c) providing an hierarchal organizational structure in graphic format for the set of objects, wherein the hierarchal organizational structure is automatically generated based on a content of or linkage between objects.
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Table 3

16. Claims 27-31 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 27-31 of copending Application No. 11/073,090. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Instant Application claim 27	Application 11/073,090 Claim 27
<p>27. A system for providing a human-computer user interface, comprising:</p> <p>(a) a set of navigational tools for defining an retrieving objects based on a resource locator thereof;</p> <p>(b) an object search engine for selecting a set of objects according to a user-defined content criteria and returning respective resource locators of selected objects; and</p> <p>(c) means for presenting an hierarchal organizational structure in graphic format for the set of objects, wherein the hierarchal organizational structure is automatically generated based on a content of or linkage between objects.</p>	<p>27. A system for providing a human-computer user interface, comprising:</p> <p>(a) a set of navigational tools for defining an retrieving objects based on a resource locator thereof;</p> <p>(b) an object search engine for selecting a set of objects according to a user-defined content criteria and returning respective resource locators of selected objects; and</p> <p>(c) means for presenting an hierarchal organizational structure in graphic format for the set of objects, wherein the hierarchal organizational structure is automatically generated based on a content of or linkage between objects.</p>

Table 4

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1-7, 12-20 and 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazlehurst et al. (hereinafter "Hazlehurst", US 5,974,412) in view of Leshem et al. (hereinafter "Leshem", US 6,470,383 B1).

As per claim 1, Hazlehurst discloses a method of providing a human-computer user interface, comprising the steps of:

providing the user with navigational tools for defining and retrieving objects based on a resource locator thereof (Hazlehurst, col. 1, line 64 – col. 2, line 24, col. 7, lines 53-62, col. 22, lines 30-61).

Hazlehurst teaches creating mappings of documents (Hazlehurst, col. 14, lines 54-61), but does not explicitly disclose returning respective resource locators of selected objects and a hierarchal organizational structure in graphic format that is automatically generated for the set of objects based on a content of or linkage between objects. Leshem teaches a hierarchal organizational structure in graphic format for a set of objects that graphically depicts the URLs and links of a web site; the structure is automatically generated based on content or linkage between objects (Leshem, col. 2, lines 10-23; col. 7, lines 59-67; col. 8, lines 1-12; col. 23, lines 37-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hazlehurst by incorporating the method for generating a hierarchical organizational structure in graphic format for a set of objects as disclosed by Leshem. The motivation being to provide a visual structure for easily navigating the contents (Leshem, col. 2, lines 27-37).

As per claim 2, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 1, and further teach inserting objects extrinsic to the user-defined search criteria into the

Art Unit: 2162

hierarchal organization structure of selected objects (Hazlehurst, col. 2, lines 48-56, col. 10, lines 22-35, col. 23, lines 1-14).

As per claim 3, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 2, and further teach the extrinsic objects comprise commercial message (Hazlehurst, col. 2, lines 48-56, col. 10, lines 22-35, col. 23, lines 1-14).

As per claim 4, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 2, and further teach the extrinsic objects comprises objects identified through a collaborative filter process (Hazlehurst, col. 27, line 10 – col. 28, line 36).

As per claim 5, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 2, and further teach the extrinsic objects are contextually related to the user-defined search criteria (Hazlehurst, col. 7, lines 53-62, col. 22, lines 31-61).

As per claim 6, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 2, and further teach the extrinsic objects are contextually appropriate for a positioning within the hierarchal organizational structure (Leshem, col. 2, lines 10-23, col. 7, line 59 – col. 8, line 12, col. 23, lines 37-55).

As per claim 7, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 1, and further teach the hierarchal organizational structure comprises a tree structure displaying at least three hierarchal levels (Leshem, Fig. 5, 6, 16, 18, 19, 21, 22, 24).

As per claim 12, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 3, and further teach the objects are identified through a collaborative filter process (Hazlehurst, col. 27, line 10 – col. 28, line 36).

As per claim 13, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 3, and further teach the extrinsic objects are contextually related to the user-defined search criteria (Hazlehurst, col. 7, lines 53-62, col. 22, lines 31-61).

As per claim 14, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 1, and further teach the hierarchal organizational structure comprises a state independent information object (Leshem, col. 2, lines 10-23; col. 7, lines 59-67; col. 8, lines 1-12; col. 23, lines 37-55).

As per claim 15, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 1, and further teach the step of ranking members of the set of objects within a single hierarchal class based on a correspondence to the user-defined content criteria (Hazlehurst, col. 2, lines 3-38, col. 3, lines 21-30).

As per claim 16, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 1, and further teach receiving a ranking preference from the user for a ranking method for ranking members of the set of objects within a single hierarchal class (Hazlehurst, col. 2, lines 3-38, col. 3, lines 21-30).

As per claim 17, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 1, and further teach graphically representing a history of access to the set of objects (Leshem, col. 3, lines 9-30, col. 8, lines 16-19).

As per claim 18, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 1, and further teach manipulating an object within the hierarchal organizational structure through the graphic user interface, and requesting information content

Art Unit: 2162

corresponding to the manipulated object (Leshem, col. 2, lines 10-37, col. 3, lines 9-15, col. 7, line 66 – col. 8, line 19).

As per claim 19, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 1, and further teach at least two distinct predetermined hierarchical organizations of information are provided, each having at least three hierarchal levels for a universe of objects, further comprising the steps of: defining a relevant hierarchy from among the at least two distinct predetermined hierarchical organizations of information; displaying links to the set of objects according to the relevant hierarchy; and storing at least a subset of the presented links within the relevant hierarchy as a state independent object (Leshem, Fig. 5, 6, 16, 18, 19, 21, 22, 24).

As per claim 20, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 1, and further teach defining a user profile, for modifying the selection by the object search engine, and wherein user profile is stored in an encrypted form which is resistant to detailed interrogation (Hazlehurst, col. 8, lines 4-11, col. 9, lines 53-64, Leshem, col. 8, lines 16-19).

Claims 26-31 are rejected on grounds corresponding to the reasons given above for claims 1-5.

19. Claims 8, 9 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazlehurst et al. (hereinafter “Hazlehurst”, US 5,974,412) in view of Leshem et al. (hereinafter “Leshem”, US 6,470,383 B1) and further in view of Hao et al. (hereinafter “Hao”, US 6,377,287 B1).

As per claim 8, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 1, except for explicitly disclosing the hierarchal organizational structure comprises a hyperbolic tree structure. However, Hao teaches a technique for reducing display cluttering and complexity of navigating within large hierarchies such as organizational charts or Internet resources. Hao teaches a system that utilizes links, mapping and unmapping to enable single-screen visualization of hyperbolic space with multiple path links. The hyperbolic space is a display of a tree structure having graphical representation of content and usage of the Web (Hao, abstract; col. 1, lines 6-67; col. 2, lines 1-21, 56-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hazlehurst and Leshem's combined system by incorporating Hao's teaching of a hyperbolic tree. The motivation to use a hyperbolic space to handle more documents and allows the user to navigate through the nodes of a large hierarchy and to view the relationship of a portion of the space to the entire structure on a single display (Hao, col. 1, lines 20-34).

As per claim 9, Hazlehurst, Leshem and Hao teach all the claimed subject matters as discussed in claim 1, and further teach the hierarchal organization structure comprises a display generated by a hyperbolic tree applet (Leshem, col. 6, lines 25-33).

As per claim 21, Hazlehurst, Leshem and Hao teach all the claimed subject matters as discussed in claim 1, and further teach presenting the hierarchal organization structure with an applet, wherein the returned respective resource locators of selected objects are transmitted to the applet, which formats the set of objects in the graphic format hierarchal organizational structure, based on a relationship of a content corresponding to each object (Leshem, col. 3, lines 45-63, col. 20, line 40 – col. 21, line 13).

As per claim 22, Hazlehurst, Leshem and Hao teach all the claimed subject matters as discussed in claim 1, and further teach providing an adaptive user profile applet, comprising a collaborative filter for initial classification, which subsequently is modified based on user observation, wherein the user-defined content criteria is based on an explicit user input and a function of the adaptive user profile applet (Leshem, col. 3, lines 45-63, col. 20, line 40 – col. 21, line 13).

As per claim 23, Hazlehurst, Leshem and Hao teach all the claimed subject matters as discussed in claim 1, and further teach defining the hierarchal organizational structures as a user taxonomic hierarchy of interests, correlating the user taxonomic hierarchy with a set of references taxonomic hierarchies, and modify the user taxonomic hierarchy based on sets of rules associated with a reference taxonomic hierarchies having high correlations (Hazlehurst, col. 2, lines 8-21, col. 7, lines 32-40, col. 26, line 30 – col. 28, line 37).

As per claim 24, Hazlehurst, Leshem and Hao teach all the claimed subject matters as discussed in claim 1, and further teach wherein at least one object has an associated digital rights rule, further comprising the step of applying digital rights rules to accesses of objects by the user (Leshem, col. 28, lines 11-65, col. 30, lines 52-67).

As per claim 25, Hazlehurst, Leshem and Hao teach all the claimed subject matters as discussed in claim 24, and further teach wherein at least one digital rights rule provides a positive incentive to the user (Leshem, col. 28, lines 11-65, col. 30, lines 52-67).

20. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazlehurst et al. (hereinafter “Hazlehurst”, US 5,974,412) in view of Leshem et al. (hereinafter

Art Unit: 2162

“Leshem”, US 6,470,383 B1) and further in view of Hanson et al. (hereinafter “Hanson”, US 5,974,398).

As per claim 10, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 3, except for explicitly disclosing a commercial message sponsor pays for delivery of commercial messages based on a semantic context of message delivery. Hanson teaches a method that enables user control of advertising carried by interactive information and entertainment services. Hanson teaches that sponsors pay for delivery of commercial messages (Hanson, col. 1, lines 38-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hazlehurst and Leshem’s combined system by incorporating a method for paying for delivery of commercial messages as disclosed by Hanson. The motivation being to improve the business profit.

As per claim 11, Hazlehurst and Leshem teach all the claimed subject matters as discussed in claim 3, except for explicitly disclosing a commercial message sponsor pays for delivery of commercial messages based on a value of a subsequent commercial transaction with the user. Hanson teaches a method that enables user control of advertising carried by interactive information and entertainment services. Hanson teaches that sponsors pay for delivery of commercial messages (Hanson, col. 1, lines 38-62, col. 5, lines 3-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hazlehurst and Leshem’s combined system by incorporating a method for paying for delivery of commercial messages as disclosed by Hanson. The motivation being to improve the business profit.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (571) 272-4031. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chongshan Chen
May 27, 2005


JEAN M. CORRIELUS
PRIMARY EXAMINER